

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NATHANIEL A. CRICHLOW,

Plaintiff,

-against-

OLIVERO CONSTRUCTION CORP, *et al.*,

Defendants.

23-CV-7948 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

Because Plaintiff submitted with his complaint an insufficient request to proceed *in forma pauperis* (“IFP”), that is, to proceed without prepayment of fees, by order dated September 15, 2023, the Court directed Plaintiff, within thirty days of the date of that order, to either pay the \$402.00 in fees or submit an amended IFP application. (ECF No. 4.) In response to the Court’s order, Plaintiff filed an “Affidavit of Fact/Financial Statement” on September 23, 2023. (ECF No. 5.) That submission was also insufficient, and by order dated October 30, 2023, the Court therefore granted Plaintiff one final opportunity to either pay the \$402.00 filing fees or submit a second amended IFP application. (ECF No. 6.) In response to the Court’s October 30, 2023 order, Plaintiff filed an “Affidavit of Dispute/OBJECTION TO ORDER DIRECTING PAYMENT OF FEES OR SECOND AMENDED IFP APPLICATION” on November 15, 2023. (ECF No. 7.)

The Court’s October 30, 2023 order specified that failure to comply would result in dismissal of the complaint. Plaintiff has not filed a second amended IFP application or paid the fees. Accordingly, the complaint is dismissed without prejudice. *See* 28 U.S.C. §§ 1914, 1915.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf.*

Coppedge v. United States, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

The Court directs the Clerk of Court to enter judgment.

SO ORDERED.

Dated: December 8, 2023
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge